

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

**MICHAEL ALLEN ROTH,**

Debtor.

) Case No. **22-61233-dwh13**  
)  
) Confirmation Hearing Date: **11/16/22**  
)  
) **TRUSTEE'S OBJECTION TO**  
) **CONFIRMATION AND MOTION**  
) **TO DISMISS**

Naliko Markel, Trustee, objects to confirmation of the Debtor's Chapter 13 Plan (Doc. 15; dated 9/9/22) for the reasons set out below:

- ☒ a. Plan is not feasible: **(1) Including the claim filed by the Department of Justice (#17-2; filed 10/28/22), the Plan appears underfunded approximately \$103,595; and (2) Plan provides for payment increase from \$200/month to \$7,000/month after one year which does not appear plausible.**
- ☐ b. Case not filed in good faith/Plan not proposed in good faith:
- ☒ c. Plan does not commit all of the Debtor's excess projected disposable income pursuant to 11 U.S.C. § 1325(b)(1)(B) for the applicable commitment period: **Per testimony, Debtor is not incurring the Schedule J, line 4, rental/home ownership expense of \$1,200/month. Those funds must be accounted for.**
- ☐ d. Plan does not meet the best interest test of 11 U.S.C. § 1325(a)(4):
- ☒ e. Filing/documentation is deficient: **Please provide: (1) copies of the Debtor's Go2Bank statements covering the date of filing (9/9/22); (2) a copy of the Debtor's support order; (3) a detailed explanation as to how the Debtor will be obtaining the additional \$6,800+ in net income needed to make the increased payments; and (4) an amended Statement of Financial Affairs #27 to disclose the Debtor's prior businesses, including "Roth Food, LLC" and "Roth Consulting LLC."**
- ☐ f. Other:

Motion to Dismiss. For the above reasons, the Trustee moves the Court for an order dismissing this case.

I certify that on November 3, 2022, I served copies of the above Objection and Motion on the Debtor and any debtor attorney.

DATED: November 3, 2022  
(tm)

/s/ Zachariah D. Conway, OSB #165832, for  
Trustee